EC/USA Air Transport Agreement: Protocol to amend the Agreement

2010/0112(NLE) - 08/11/2010 - Legislative proposal

PURPOSE: to conclude the Protocol to Amend the Air Transport Agreement between the European Community and its Member States, of the one part, and the United States of America, of the other part.

PROPOSED ACT: Council Decision.

BACKGROUND: the Air Transport Agreement between the European Community and its Member States, on the one hand, and the United States of America, on the other hand, signed on 25 and 30 April 2007 included an obligation on both Parties to enter into second-stage negotiations.

The Commission has negotiated on behalf of the Union and of the Member States a Protocol to amend the Agreement in accordance with Article 21 of that Agreement. The Protocol is fully consistent with Union law, particularly with the Union emissions trading system.

The Protocol was signed on 24 June 2010 and applies provisionally subject to its conclusion.

It is now necessary that the protocol be approved by Union and the Members States.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with Article 218 (6)(a)(v) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposed Decision, the Protocol to Amend the Air Transport Agreement between the United States of America, of the one part, and the European Community and its Member States, of the other part, is hereby approved on behalf of the Union. For details of the content of the Agreement, please refer to the summary of the previous initial legislative document dated 03/05/2010.

Termination: procedural arrangements are laid down for deciding, if appropriate, how to terminate the Agreement as amended by the Protocol. A decision to terminate the Agreement and to give notice thereof to the United States of America, and a decision to withdraw such notice, shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously on the basis of a Commission proposal.

Suspension of the reciprocal recognition of regulatory determinations: it is also necessary to lay down arrangements for the suspension of the reciprocal recognition of regulatory determinations with regard to airline fitness and citizenship. This decision and the decision to inform the United States of America of the Agreement as amended by the Protocol shall be taken by the Council, on behalf of the Union and of the Member States, acting unanimously in accordance with the relevant Treaty provisions.

The Protocol establishes a **joint committee** in charge of ensuring the management of the Protocol as well as the procedural rules for decisions taken under Article 21 of the Agreement.

BUDGETARY IMPLICATION: this proposal has no implication for the Union’s budget.